

REMARKS

Claims 1 and 3 to 12 are in the application.

Reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. 102(b) as being anticipated by the reference to Minatti, second paragraph, are respectfully requested.

As a result of the foregoing amendment, Claim 1 has been amended to set forth the present invention more clearly. Specifically, it has been made clear that the present invention is directed to a movable roof part which is composed of a continuous structural unit whose rear section is raisable while the front section if this same movable roof section can be raised. Accordingly, while the front section of this movable roof part still is in its closed position, the rear section of this movable roof part is raisable.

Since this configuration was set forth in the claims as originally filed and the current amendments are for clarification purposes, it is respectfully submitted that no new issued have been raised, rather the invention is now set forth

more clearly.

This configuration can be seen in Figs. 2 and 3a of the drawing which shows a continuous roof part which can be raised in its rear section, while the front section of this same roof part is still in its closed position.

The purpose of this configuration is to achieve a ventilating position which is independent of the actual opening of the roof for achieving the cabriolet position.

In other words, the invention does explicitly not reside in raising a rear roof portion while a front roof portion remains closed, but rather to raise only the rear edge, while the roof part otherwise remains in the closed position.

It is respectfully submitted that the reference to Minatti does in no way suggest such a configuration as it is set forth in the claims of the present application. This is because the reference to Minatti at best discloses a first roof portion 12 which can be raised, while the roof portions located in front of the first roof portion still could be in the closed position. However, the reference does not even mention such a

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configuration, but rather a configuration is disclosed in which the movements of the roof portions 12 and 13 take place simultaneously, as can be concluded from the drawing of the reference.

The paragraph cited by the Examiner in this connection also does not deal with this configuration, but rather only indicates that the front roof portions 13 can be stowed under the raised rear cover portion 12 when in its open position. However, this does not mean that the front roof portions 13 would still be closed if the cover portion 12 is already open.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on February 24, 2010.

By: _____

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